

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

HUNTINGTON DIVISION

MICHAEL T.,

Plaintiff,

v.

Case No.: 3:24-cv-00570

**CAROLYN W. COLVIN,
Acting Commissioner of the
Social Security Administration,**

Defendant.

MEMORANDUM OPINION

This is an action seeking review of the decision of the Commissioner of the Social Security Administration (hereinafter the “Commissioner”) denying Plaintiff’s applications for a period of disability and disability insurance benefits (“DIB”) and supplemental security income (“SSI”) under Titles II and XVI of the Social Security Act, 42 U.S.C. §§ 401-433, 1381-1383f. The case is presently before the Court on the Commissioner’s uncontested Motion for Remand. (ECF No. 6). Both parties have consented in writing to a decision by the United States Magistrate Judge. (ECF No. 7). The Court has fully considered the Motion for Remand and **GRANTS** the same. Accordingly, the Court **REVERSES** and **REMANDS** the decision of the Commissioner pursuant to sentence four of 42 U.S.C. § 405(g), for further evaluation of Plaintiff’s applications as stated herein.

Under sentence four of 42 U.S.C. § 405(g), “[t]he court shall have power to enter,

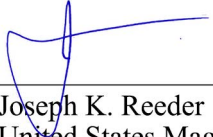
upon the pleadings and transcript of the record, a judgment affirming, modifying, or reversing the decision of the Commissioner of Social Security, with or without remanding the cause for a rehearing.” Because a sentence four remand essentially “terminates the litigation with victory for the plaintiff,” the court enters a final judgment dismissing the case and removing it from the court’s docket. *Shalala v. Schaefer*, 509 U.S. 292, 299 (1993) (“Under § 405(g), ‘each final decision of the Secretary [is] reviewable by a *separate* piece of litigation,’ and a sentence-four remand order ‘*terminate[s]* the civil action’ seeking judicial review of the Secretary’s final decision.”) (quoting in *Sullivan v. Hudson*, 490 U.S. 877, 892 (1989)).

The Court **REVERSES** the final decision of the Commissioner; **GRANTS** the Motion for Remand, (ECF No. 6); **REMANDS** this matter pursuant to sentence four of 42 U.S.C. § 405(g) for further administrative proceedings consistent with this opinion; and **DISMISSES** this action from the docket of the Court. A Judgment Order will be entered accordingly.

The Clerk of this Court is directed to transmit copies of this Memorandum Opinion to counsel of record.

ENTERED: December 20, 2024





Joseph K. Reeder
United States Magistrate Judge